

MIED ProSe 1 (Rev 5/16) Complaint for a Civil Case

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

ERNEST CHRISTOPHER MURRAY

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

v.

107.1 WTLZ - ALPHA MEDIA RADIO

MR. MARK THOMAS

MRS. YVONNE DANIELS

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

Case: 1:25-cv-11878

Assigned To : Ludington, Thomas L.

Referral Judge: Morris, Patricia T.

Assign. Date : 6/20/2025

Description: CMP MURRAY V. 107.1
WTLZ-ALPHA MEDIA RADIO ET
AL (NA)

Complaint for a Civil Case

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Ernest Christopher Murray</u>
Street Address	<u>9579 Dogwood Lane</u>
City and County	<u>Breinigsville</u>
State and Zip Code	<u>Pennsylvania, 18031</u>
Telephone Number	<u>732-429-0933</u>
E-mail Address	<u>ecmurray005@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>107.1 WTLZ - ALPHA MEDIA RADIO</u>
Job or Title (if known)	<u></u>
Street Address	<u>1795 TITTABAWASSEE RD.</u>
City and County	<u>SIGINAW, SIGINAW COUNTY</u>
State and Zip Code	<u>MICHIGAN, 48604</u>
Telephone Number	<u>989-752-3456</u>
E-mail Address (if known)	<u>mark.thomas@alphamedia</u>

Defendant No. 2

Name	<u>ALPHA MEDIA LLC</u>
Job or Title (if known)	<u>RADIO STATION</u>
Street Address	<u>1211 SW 5TH AVE SUIT 600</u>
City and County	<u>PORTLAND</u>
State and Zip Code	<u>OREGON, 97204</u>
Telephone Number	<u>503-517-6000</u>
E-mail Address (if known)	<u></u>

Defendant No. 3

Name	<u>MR. MARK THOMAS</u>
Job or Title (if known)	<u>GENERAL MANAGER</u>
Street Address	<u>1795 TITTABAWASSEE RD.</u>
City and County	<u>SIGINAW, SIGINAW</u>
State and Zip Code	<u>MICHIGAN, 48604</u>
Telephone Number	<u>989-752-3456</u>
E-mail Address (if known)	<u>mark.thomas@alphamedia</u>

Defendant No. 4

Name	<u>MRS. YVONNE DANIELS</u>
Job or Title (if known)	<u>PROGRAM MANAGER</u>
Street Address	<u>1795 TITTABAWASSEE RD.</u>
City and County	<u>SIGINAW, SIGINAW</u>
State and Zip Code	<u>MICHIGAN, 48604</u>
Telephone Number	<u>989-752-3456 ext. 3064</u>
E-mail Address (if known)	<u>yvonne@kisswtlz.com</u>

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Lanham Act 15 U.S.C. 1114

15 U.S.C. 1125

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) ERNEST CHRISTOPHER MURRAY,
is a citizen of the State of (name) PENNSYLVANIA.

b. If the plaintiff is a corporation

The plaintiff, (name) _____,
is incorporated under the laws of the State of (name) _____,
and has its principal place of business in the
State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of the
State of (name) _____. Or is a citizen of (foreign
nation) _____.

b. If the defendant is a corporation

The defendant, (name) 107.1 WTLZ ALPHA MED, is incorporated
under the laws of the State of (name) MICHIGAN, and
has its principal place of business in the State of (name)
OREGON. Or is incorporated under the laws of
(foreign nation) _____, and has its principal place
of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (*explain*):

Plaintiff seeks remedy from Defendant: 107.1 WTLZ Alpha Media, for knowingly, deliberately, and continuously using his registered trademark to brand and sell services of their radio station Since Nov. of 2023. Defendant has disregarded four - 4 Cease And Desist Demands. At this point has likely caused irreparable damage to Plaintiff's ability to fully monetize use of mark

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

1. Plaintiff owns USPTO Registered Trademark Serial No. 90846658, Reg No. 7129385 for "Simply The Best"; Plaintiff uses various extensions with trademark such as: Simply The Best R&B, R&B Hits and More, All Your Favorite Songs. in 2018 Plaintiff created "Simply The Best" for Radio Syndication company Envision Networks - at the request of Mr. Michael Lichtstein.

2. For 2 and 1/2 years Plaintiff has repeatedly asked, and pleaded with 107.1 WTLZ Alpha Media to provide evidence of rights to use "Simply The Best". To this day, NONE has been provided. Plaintiff discovered Defendants earliest use of "Simply The Best" was November 19, 2020 Plaintiff can provide evidence of filing for Trademark well before that date.

3. Plaintiff communicated with Defendants numerous times via email and phone. However, once Cease and Desist were presented, Defendants stopped communication. Plaintiff repeatedly provided Defendants with documentation, including the Trademark Registration, serial number, and proof of ownership of trademark "Simply The Best". Defendant removed the name from the station logo, but continued all other use! Defendants ignored at least Four -4 Cease and Desist emails since 2023, as recent as June of 2025.

4. 107.1 WTLZ Alpha Media is STILL, willing, and knowingly using "Simply The Best" as the face, and brand to market and sell the services of the radio station daily live, branded on line, on the WTLZ website, and endorsed by Steve Harvey, on behalf of 107.1 WTLZ Alpha Media.

5. for 2 & 1/2 years 107.1 WTLZ Alpha Media has continuously, branded the radio station, using a known registered trademark. This has caused the Plaintiff's staff to become skeptical, questioning if the ownership was authentic. It implies that the Plaintiff has stolen "Simply The Best". Because Steve Harvey promotes "Simply The Best" 107.1 WTLZ Alpha Media, the

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. Plaintiff respectfully asks the court to award the following relief:

Have 107.1 WTLZ Alpha Media to provide authority to use Trademark "Simply The Best".

An INJUNCTION to have 107.1 WTLZ Alpha Media, immediately discontinue use of trademark "Simply The Best".

:15 Second On -Air Statement Telling of Authentic Owner with apology - Twice Per Hour :30 mins apart. Statement is to be clear, no music, repeated each time, and not hurried.

Destruction Of Forefeiture:

Punitive Damages: \$2,000,000.00

Damages: \$2,000,000.00

Stress: \$4,000,000.00

Pain and Suffering: \$150,000.00

Infringer Profitts: To Be Determined

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

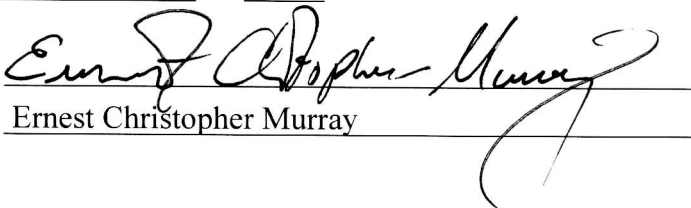
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: June 20, 2025.

Signature of Plaintiff

Printed Name of Plaintiff


Ernest Christopher Murray

Additional Information:

Defendant has added a two letter - one character suffix R&B to an existing Registered Trademark. The USPTO clearly expressed, it is NOT permitted to have a mark that is identical, similar, or one that causes confusion of ownership, service, or goods within the same industry. This has been in use for years, and is currently in use on 93.7WOCS since January 1, 2024.

The earliest use found for Defendants use is November 2020.

Defendant removed the Plaintiff's trademark from the 107.1 WTLZ radio station logo on the Alpha Media website. So Plaintiff believed the use had stopped. However Plaintiff listened months later only to discover, the owners trademark was still being used On Air, and the website! It was only removed from the radio station's logo banner. Without authorization 107.1 WTLZ Alpha Media has used Plaintiff's Trademark "Simply The Best" adding R&B. This creates confusion; and is NOT affiliated with TM "Simply The Best".

Plaintiff created program specifically for national radio syndication for Envision Networks - Mr. Michael Lichtstein, not local radio. Plaintiff has marketed "Simply The Best" to various syndication, and conglomerate radio broadcast companies. Plaintiff was instructed by most to gain three 3 stations to carry the program in order to be awarded syndication. Plaintiff has already had the program on two. However, this has become far more complex because of 107.1 WTLZ Alpha Media's use and branding.

Steve Harvey is amongst the top radio syndicated personalities in the country, He is also the television host of "Family Feud", an author, and a movie star. His use of the mark "Simply The Best" on behalf of 107.1 WTLZ is an extremely powerful superstar endorsement, and nearly impossible to equal. Ongoing endorsements from him daily, using the mark, is nearly irreversible impossible to recover from.

After seeing 107.1 WTLZ Alpha Media using Simply The Best on their station logo, and hearing Steve Harvey doing promotions for WTLZ daily; Plaintiff's staff questioned if he truly owned the trademark "Simply The Best". Plaintiff has been questioned with skepticism.

This created apprehension of Plaintiff's authenticity of ownership even by his staff. This created the obstacle of Plaintiff trying to establish himself as the authentic user and owner of "Simply The Best". As a result, it has caused the Plaintiff to submit only to smaller market radio stations, and unknowingly been refused work because of 107.1 WTLZ using the mark. This has, and will cause Plaintiff further embarrassment of struggling to convince individuals of rightful ownership after hearing of 107.1 WTLZ's use.

Defendant knowingly continued working with a Registered Trademark for over two -2 years, even after being notified via email in 2023.

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) _____

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) _____

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☐ 2 U.S. Government Defendant

☐ 3 Federal Question (U.S. Government Not a Party)

☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input checked="" type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from Another District (specify) _____

☐ 6 Multidistrict Litigation - Transfer

☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$ _____
CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):
JUDGE _____ DOCKET NUMBER _____
DATE _____
October 15, 2020
SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY
RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

1. Is this a case that has been previously dismissed?

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
